

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 07 C 6890
CLIMATECRAFT, INC.,)	
)	
Defendant.)	
<hr/>)	The Honorable David H. Coar
CLIMATECRAFT, INC.,)	
)	
Counterclaim Plaintiff,)	
)	Magistrate Judge Morton Denlow
v.)	
)	
HUNTAIR, INC.,)	
)	
Counterclaim Defendant.)	

**CLIMATECRAFT, INC.'S MOTION FOR LEAVE *INSTANTER* TO FILE AN OVERSIZE
OPENING BRIEF ON CLAIM CONSTRUCTION**

Defendant and Counterclaimant, ClimateCraft, Inc. (“ClimateCraft”), submits this Motion for Leave *Instanter* to File an Oversize Opening Brief on Claim Construction. Plaintiff and Counterclaim-Defendant, Huntair, Inc. (“Huntair”), has indicated it will oppose this motion.

ClimateCraft seeks this relief for the following reasons:

- There are two patents in suit. While they share a common specification, their prosecution histories are somewhat involved;
- the technology involved is complex, particularly as the physics of air flow and the science of fan efficiency interrelate;
- ClimateCraft has asserted that each of the claims is indefinite under 35 U.S.C. § 112 ¶ 2, and set forth the reasons why the Court should enter judgment of invalidity now;
- ClimateCraft believes that a full explanation of the bases for its position will better serve the Court and is in the interests of judicial economy; and

- submission of an oversized brief will not unduly prejudice Huntair.

The brief as submitted herewith is approximately 30 pages long. ClimateCraft urges that this Motion be granted.

Respectfully submitted,

Dated: July 3, 2008

/s/ Charles C. Kinne

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **CLIMATECRAFT, INC.'S MOTION FOR LEAVE INSTANTER TO FILE AN OVERSIZE OPENING BRIEF ON CLAIM CONSTRUCTION** was served by ECF upon:

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this 3rd day of July, 2008.

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